

**CHARTER TOWNSHIP OF DELTA PLANNING COMMISSION MINUTES OF
JANUARY 13, 2014**

I CALL TO ORDER

Chairperson Schweitzer brought the meeting to order at 7:00 p.m.

II PLEDGE OF ALLEGIANCE

Chairperson Schweitzer led the Commission and others present in reciting the Pledge of Allegiance to the Flag.

III ROLL CALL

Members Present: Schweitzer, Cascarilla, Laforet, Gabriel, MacLaren,
McConnell, Mudry, and Ruswinckel

Members Absent: Lathrop - excused

IV APPROVAL OF AGENDA

**MOTION BY MCCONNELL, SECONDED BY MACLAREN, THAT THE
AGENDA BE APPROVED AS SUBMITTED. VOICE VOTE. CARRIED
8-0.**

V APPROVAL OF MINUTES

**MOTION BY GABRIEL, SECONDED BY MUDRY, THAT THE
NOVEMBER 25, 2013 PLANNING COMMISSION MEETING, AND THE
SUMMARY RECORD OF PUBLIC HEARING FOR TENTATIVE
APPROVAL OF THE PRELIMINARY PLAT FOR ASHFORD MANOR
NOS. 3 & 4 SUBDIVISION, APPLICANT IS SIGNATURE LAND
DEVELOPMENT, SECTION 20, AND THE SUMMARY RECORD OF
PUBLIC HEARING FOR THE TENTATIVE APPROVAL OF THE
PRELIMINARY PLAT FOR ASHFORD MANOR NOS. 3 & 4
SUBDIVISION, SIGNATURE LAND DEVELOPMENT, SECTION 20, AND
THE MINUTES OF THE DECEMBER 9, 2013 PLANNING COMMISSION
MEETING, AND THE SUMMARY RECORD OF PUBLIC HEARING
FOR CASE NO. 11-13-20, SPECIAL LAND USE PERMIT REQUEST BY
LANSING BOARD OF WATER & LIGHT TO ESTABLISH A MAJOR
ESSENTIAL SERVICE FACILITY (ELECTRIC SUB-STATION) AT 2700
S. CANAL ROAD, SECTION 28, BE APPROVED AS PRESENTED.
VOICE VOTE. CARRIED 8-0.**

VI CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA - None

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VII CORRESPONDENCE - None

VIII OLD BUSINESS

- 1. Case No. 10-13-18, Rezoning Request for 63.46 acres of land on the west side of Marketplace Boulevard, midway between Saginaw Highway and St. Joe Highway, Section 16, Applicant is Eyde Construction Company.**
(This case was tabled at the December 9, 2013 Planning Commission meeting).

Assistant Planner Chris Gruba informed the Commission that the Eyde proposal was reviewed by the Planning Commission at their November 11th and their December 9, 2013 meetings. Mr. Gruba proceeded to provide the Commission with a brief overview of the changes that had been made to the rezoning request in regards to acreage and density.

Mark Clouse, representing the Eyde Company, said they were hopeful that the Commission felt comfortable with the proposed changes and that a recommendation for approval could be forwarded to the Township Board.

Joan Cooper, 8240 W. St. Joe, northwest corner of the Marketplace/St. Joe Highway intersection, said she spoke in opposition to the rezoning request in Case No. 10-13-18 which proposed a high density apartment complex on 41.7 acres located on the west side of Marketplace Boulevard. She noted that at the November 11, 2013 meeting, and at the previous Planning Commission meeting, and in letters addressed to the Planning Commission, she argued against RE, High Density Residential development for the 41.7 acres based on restricted road access to the 41 acres which was a two-lane bridge on St. Joe Highway to the east, unknown traffic volumes at the Marketplace intersections of Saginaw and West St. Joe Highway, and the restricted access to the undeveloped land directly east to the proposed apartment complex across Marketplace Boulevard that was undeveloped land designated for office, but which was accessible only at the same location on Marketplace where the proposed apartment development would exit onto Marketplace. Ms. Cooper noted that RD and RE zoning at the proposed 41.7 acres on Marketplace Boulevard would generate traffic congestion at the Saginaw and St. Joe Highway intersections that would be hazardous and unavoidable. She said a further complication to the traffic congestion problem occurred this month after the ice storm power outage that occurred early Sunday morning, December 22nd thru late Saturday afternoon, December 28th. She noted that the St. Joe intersection had no street light, stop light, or stop sign. Ms. Cooper said in a week-long emergency, cars sped through the intersection without stopping and some cars missed the intersection in the dark. When she called the Road Commission and the Sheriff's Department to request a blinking

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safety barrel and a temporary stop sign, she was led to believe that nothing could be done to improve traffic safety.

Ms. Cooper said it wasn't the Board of Water & Light's top priority to fix traffic signals at dangerous intersections and if the intersection hazards were ignored by the Sheriff's Department and Road Commission, what would happen if traffic from 375 to 512 apartment units was added to the hazardous situation. Ms. Cooper noted that we simply didn't have adequate roads at the Marketplace location to handle the thousands of extra vehicle trips that would be generated by RE and RD zoning on Marketplace Boulevard. Ms. Cooper reminded the Commission of other important factors that argued against the piecemeal approach that had so far been taken on the 41.7 acres west of Marketplace. She noted that several years ago, a proposal for a health complex, similar to the one located on Hagadorn in East Lansing, failed when the economy failed. Ms. Cooper noted that a child care center was also proposed on the west side of Marketplace Boulevard, but the Township Board moved to located the child care center within the office zoning located on the east side of Marketplace Boulevard. Ms. Cooper said no attention seemed to be given to a detailed comprehensive plan by the property owners for construction that was appropriate to adjacent construction that promoted compatibility with nearby usage that worked with community and government to promote a functional, attractive place to live and work. Ms. Cooper questioned how high density apartments could be built when there were no bus services available, where utility companies placed service at low priority, where road access was a problem, where placement of apartments next to areas now designated low density residential, may not appeal to future homebuilders and buyers.

Ms. Cooper said there were two types of developers, one type had very specific goals for the type of community he or she wanted to create and how it would fit in with the bigger picture of the city or township it was part of. She said the property owners who wanted apartments on their 41.7 acres next to Marketplace Boulevard were not promoting such a vision. Ms. Cooper said the developer's in Case No. 10-13-18 didn't appear to be interested in long-term goals, or how their development would be appropriate for the rest of the community. She said they looked for a buyer, sold to that buyer, and moved on, thus becoming our responsibility as residents and the duty of the Planning Commission to ensure that any development of local land was appropriate and an asset to our community, not a detriment. Ms. Cooper said it was safe and easy to accommodate the demands of the developer/property owners, but if the wrong decision was made, everyone would endure the permanent consequences of unmanageable traffic in residential areas where people did not want to buy or build. Ms. Cooper said at the November 11th meeting, a passing reference was made by Mr. Schweitzer about a demand for apartments in Delta Township and to apartment developments that were currently in the

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Plan. She said that Planning Director Mark Graham noted that two large apartment communities had already been approved for construction in Delta Township being Phase II of the Townsend Apartment complex at the southwest corner of Nixon and Saginaw Highway which consisted of 280 units, and an apartment development north of Champion Chrysler at the southwest corner of the Creyts/Saginaw Highway intersection which would consist of 320 units. She noted that these two communities would provide 600 apartment units in the near future. Ms. Cooper noted that Mr. Graham had also indicated that there were a total of approximately 90 to 100 additional units proposed as well. She noted that both of these sites were much more accessible and that other areas of vacant land could be used for apartments that would present fewer problems with traffic accessibility and congestion. Ms. Cooper said there wasn't a dire need at this time for a large number of apartment units.

Ms. Cooper said she knew the Commission would be considering several rezoning options this evening, including a new proposal proposed by staff, and in her view, any rezoning except RC, or a combination of RC and RD zoning, represented development that would be a detriment to our community and should be rejected. Ms. Cooper said she was strongly opposed to any RE zoning for this area.

**MOTION BY MUDRY, SECONDED BY MCCONNELL, THAT THE
PUBLIC HEARING BE CLOSED. VOICE VOTE. CARRIED 8-0.**

Mr. McConnell asked if there were three alternatives for the Commission's consideration this evening.

Mr. Gruba said there were four alternatives for the Commission's consideration.

Ms. Gabriel felt staff's alternative was a good compromise because she was very concerned about the number of dwelling units that could be developed in the RE zoning district. Ms. Gabriel noted that another one of her concerns was that the RD zoning was going to be located in close proximity to single family. Ms. Gabriel said she continued to worry about a future connector road between Marketplace and the fact that it could become a cut-thru. Ms. Gabriel noted that she would like the road patterns further discussed, but a connector road may generate the need for a traffic signal at the Broadbent/Saginaw Highway intersection.

Ms. Cascarilla said it was her understanding that the residential density would be spread evenly between the RE and RD zones. In other words, the more intense RE zoning would not necessarily have a higher density than RD zoning.

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Mr. Gruba stated that if the residential areas were developed as a planned unit development (PUD), which would require a special land use permit, then the residential densities could be averaged between the two zones.

Ms. Cascarilla asked the applicant if it was their intent to apply for a PUD.

Mr. Clouse said they probably would apply for a PUD, but either way, a site plan would be required that would address the connector road between Marketplace and Broadbent, as well as the layout of the site.

Ms. Cascarilla felt the applicant previously mentioned that they would request a PUD in order to average the density out.

Mr. Clouse said that was correct and that during the process, they could also work on how the buildings were laid out because it was something the Planning Commission and the Township Board would have a great deal of input on. Mr. Clouse said they also understood the desire to keep the higher density closer to Marketplace Boulevard and further away from Broadbent.

Mr. McConnell asked if a site plan would come before the Commission for review.

Mr. Gruba said a site plan would come before the Commission for their review.

Ms. Gabriel mentioned the strand of mature trees that were located near the existing retention pond and attempts being made during site plan review to preserve them.

Ms. Laforet felt the Planning Commission wanted to encourage new development within the Township, but they also wanted to protect the current property owners as well. Ms. Laforet questioned whether rezoning half of the residential land to RD and the other half to RE would create an undue hardship for the applicant.

Mr. Clouse said they appreciated the Planning Commission's recommendation for the commercial portion of their development, but the RD and RE zoning layout of their development had been studied and was something they were comfortable with. He said whereas they would have liked to have rezoned the entire parcel RE, they also appreciated the fact that there were additional concerns with density and traffic patterns. Mr. Clouse said they didn't want to present any hardships and that these concerns were something they would work closely with staff on and the Planning Commission in the future.

**MOTION BY CASCARILLA, SECONDED BY MCCONNELL, THAT
THE DELTA TOWNSHIP PLANNING COMMISSION RECOMMEND
TO THE DELTA TOWNSHIP BOARD APPROVAL OF THE
REQUEST TO REZONE AN AREA OF APPROXIMATELY 41.7
ACRES AS DESCRIBED IN THE AMENDED LEGAL DESCRIPTION
FOR CASE NO. 10-13-18 FROM RB, LOW DENSITY RESIDENTIAL,
AND RC MODERATE DENSITY RESIDENTIAL, TO 15.29 ACRES
RE, HIGH DENSITY RESIDENTIAL, AND 26.41 ACRES RD,
MEDIUM DENSITY RESIDENTIAL, AS ILLUSTRATED IN FIGURE
6, BASED ON THE FOLLOWING FINDINGS:**

- 1. THE REZONING REQUEST MEETS THE CRITERIA IN
SECTION 25.4.0 OF THE DELTA TOWNSHIP ZONING
ORDINANCE AS FOLLOWS:**
 - a. THE AREA IN QUESTION POSSESSES PHYSICAL
FEATURES COMPATIBLE WITH THE PROPOSED ZONING
DISTRICT DUE TO THE EXISTENCE OF A 7+ ACRE
DETENTION POND ON THE NORTHERN BOUNDARY OF
THE SUBJECT PARCEL PROVIDES A PROPER
TRANSITION TO THE COMMERCIAL USES
RECOMMENDED TO THE NORTH ON THE FUTURE LAND
USE MAP IN THE COMPREHENSIVE PLAN.**
- 2. THE PROPOSED RD ZONING DISTRICT WILL CONFORM TO
THE GOALS & POLICIES IN THE COMPREHENSIVE PLAN
AND SECTION 1.2.0, PURPOSE, OF THE ZONING ORDINANCE
AS FOLLOWS:**
 - a. THE FUTURE LAND USE MAP IN THE DELTA TOWNSHIP
COMPREHENSIVE PLAN RECOMMENDS MULTIPLE
FAMILY RESIDENTIAL LAND USES ON THE SUBJECT
PARCEL.**
 - b. THE INFRASTRUCTURE IN THE VICINITY OF THE
SUBJECT PARCEL IS ADEQUATE TO SERVE THE
MULTIPLE FAMILY RESIDENTIAL USES PERMITTED IN
THE RD ZONING DISTRICT AS FOLLOWS: 16" WATER
MAIN AND A 12" SANITARY SEWER ARE LOCATED
WITHIN THE MARKETPLACE BOULEVARD RIGHT OF
WAY, THE LAZELL DRAIN SERVES THE PROPERTY,
MARKETPLACE BOULEVARD HAS FIVE LANES
ADJACENT TO THE SUBJECT PARCEL, THERE ARE
TRAFFIC SIGNALS AT THE MARKETPLACE/WEST
SAGINAW AND MARKETPLACE/ST. JOE INTERSECTIONS,**

**THE M-43/I-96 INTERCHANGE IS LOCATED
APPROXIMATELY A HALF MILE FROM THE PROPERTY,
AND THERE ARE SIDEWALKS ALONG THE MAJORITY OF
THE MARKETPLACE BOULEVARD FRONTAGE.**

- c. THE LANDSCAPING AND BUILDING SETBACK
REQUIREMENTS OF THE ZONING ORDINANCE, AS WELL
AS SITE PLAN REVIEW BY THE PLANNING COMMISSION,
CAN INSURE COMPATIBILITY BETWEEN THE FUTURE
LOWER DENSITY RESIDENTIAL LAND USES TO THE
SOUTH AND WEST AND THE COMMERCIAL LAND USES
TO THE NORTH.**

ROLL CALL VOTE. MOTION PASSED 8-0.

Ms. Laforet said she appreciated Ms. Cooper attending the meetings and expressing her views and that of her neighbors. She hoped that the compromise made this evening was a balance of lower density residential and addressed some of her concerns.

Ms. Cooper said the alternative that the Planning Commission recommended did somewhat promote a “step down” approach which would buffer the existing single family residential neighborhood from the proposed commercial and high-density residential zoning.

Ms. Laforet indicated that a site plan would be reviewed by the Commission at which time traffic patterns would be taken into account.

IX PUBLIC HEARINGS

- 1. Case No. 12-13-21, Proposed Zoning Ordinance Text Amendment
pertaining to Blood Plasma Centers.**

(Summary Record of Public Hearing is filed under a separate cover.)

X OTHER BUSINESS - None

XI PLANNING DIRECTOR COMMENTS

Community Development Director Mark Graham said when the Commission reviewed the subdivision plat for Phases 3 and 4 of the Pointe West subdivision, residents had expressed concerns with flooding in the area and subsequently, the Commission passed a resolution requesting that the Drain Commissioner hold a meeting with the residents. Mr. Graham noted that a meeting was scheduled for

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January 14th at 7:00 p.m. at the Township Hall and he noted that all residents in the Pointe West subdivision had been notified.

Mr. McConnell wanted to acknowledge Mr. Graham for his efforts in soliciting the meeting.

Mr. Graham said an informational meeting would be held on January 23rd for residents regarding the installation of sidewalks along two blocks of Arden Road. He noted that building permit values had doubled over the past three years. Mr. Graham indicated that a debriefing was held in regards to the Emergency Center Activation during the ice storm in December.

Ms. Gabriel commented on how random the power outages were within the Township during the ice storm.

Mr. Graham said years ago the boundary between Consumers Energy and the Board of Water & Light was Creyts Road, but when the Marketplace development was proposed several years ago, discussions took place at that time about what utility department would service the area. Mr. Graham indicated that the Board of Water & Light was owned by Lansing, but there wasn't any representation in Delta. He didn't know how the decision was made as to what utility company would serve a certain development and he noted that the decision was already made by the time he conducted his review of new development.

Ms. Cascarilla said her neighborhood was without power for eight days, but her street lights continued to work. When she visited the Board of Water & Light, she was informed that the street lights were under Consumers Energy. Ms. Cascarilla said it was her understanding that the Board of Water Light would be holding a public session on Thursday, January 16th at 7:00 p.m. at the Township Hall. Ms. Cascarilla said it was her understanding that a National restaurant/bar chain would be locating in the Lansing Mall in the same wing of the new movie theaters.

Mr. Graham said staff was aware that the Lansing Mall would be making changes, but he had not been informed of what those changes would be.

Ms. Laforet inquired about the vacant retail space next to Ollie's department store.

Mr. Graham said it was his understanding that a Sears Outlet store would be located in that space.

Mr. Mudry inquired whether the Township tracked the results of the free radon kits that would be available.

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Mr. Graham felt any tracking would be done by the Health Department.

Ms. Laforet said due to her experience as a Realtor, approximately 25% of the homes that were tested as part of a sale agreement tested positive.

Mr. Mudry questioned if there was any requirements for Realtors to go through a system of containment if a house tested positive.

Ms. Laforet said new legislation was currently before the State Legislators that would make containment mandatory. However, she noted that the Michigan Association of Realtors was opposing the legislation due to the fact that testing was so sensitive to a variety of conditions that test results could be skewed. Ms. Laforet noted that if people were concerned about radon, she informed them to put a fix order in for their home. She indicated that a home could test ok now but in six months, the house could test differently depending on the concentration of the radon levels in the air, or based on the air flow in the house. Ms. Laforet informed the Commission that the Association of Realtors were anticipating a 12% rise in new home starts nationally which she felt was encouraging.

Mr. MacLaren inquired about the reference made this evening about an apartment development near the Champion car dealership.

Mr. Graham said a reference was made by Ms. Cooper about existing properties within the Township that were already approved for high density residential. He noted that the Township had two Consent Judgments that were approved years ago for the property adjacent to the Champion car dealership and property located at the southwest corner of the Nixon/Saginaw Highway intersection.

XII PLANNING COMMISSIONER COMMENTS

XIII ADJOURNMENT

**MOTION BY MACLAREN, SECONDED BY LAFORET, THAT THE
MEETING BE ADJOURNED. VOICE VOTE. CARRIED 8-0.**

Chairperson Schweitzer adjourned the meeting at 8:00 p.m.

Respectfully Submitted,

Kim Laforet, Secretary

Minutes prepared by Anne Swink